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Attorneys for Defendant
GOOGLE LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JALON HALL,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Case No.: 23-cv-06574-JST

**DECLARATION OF BRANDON RAINEY IN
SUPPORT OF DEFENDANT GOOGLE LLC'S
MOTION TO DISMISS PLAINTIFF JALON
HALL'S COMPLAINT**

DATE: April 18, 2024
TIME: 2:00 p.m.
DEPT: Courtroom 6

Complaint Filed: December 21, 2023
Trial Date: None Set

I, Brandon Rainey, declare and say:

1. I am a Partner with the law firm of Duane Morris LLP, counsel of record for Defendant Google LLC. I make this declaration in support of Google's motion to dismiss Plaintiff Jalon Hall's Complaint in this action. I have direct and personal knowledge of the facts set forth in this declaration, and, if called as a witness, would competently testify to these facts.

2. On February 28, 2024, I attempted to meet and confer with Plaintiff Jalon Hall by email regarding the grounds for Google's motion to dismiss. I did not call Plaintiff directly, due to her allegation that she is deaf. As of the date and time of filing this declaration, Plaintiff has not responded to my meet and confer email.

1 3. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff's Charge of
2 Discrimination, cross-filed with the Equal Employment Opportunity Commission ("EEOC") and the
3 California Department of Fair Employment and Housing on or about December 13, 2022.

4 I declare under penalty of perjury under the laws of the United States of America that the
5 foregoing is true and correct.

6 Executed this 5th day of March, 2024 in San Francisco, California.

7 

8 _____
BRANDON RAINEY

EXHIBIT 1

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-between;"> EEOC 556-2023-00028 </div> <div style="display: flex; justify-content: space-between;"> FEPA </div>
California Department Of Fair Employment & Housing and EEOC <i>State or local Agency, if any</i>	

Name (indicate Mr., Ms., Mrs.) Jalon Hall	Home Phone (585) 439-8376	Year of Birth 1992
Street Address 840 Shore Grove Circle Apt # 303 AUBURN HILLS, MI 48326		
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)		
Name Google	No. Employees, Members 501+ Employees	Phone No.
Street Address 1600 AMPHITHEATRE PKWY MOUNTAIN VIEW, CA 94043		
Name	No. Employees, Members	Phone No.
Street Address City, State and ZIP Code		
DISCRIMINATION BASED ON Disability, Race, Retaliation	DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> Earliest 07/25/2021 Latest 10/19/2022 </div> <div style="text-align: center; margin-top: 10px;">Continuing Action</div>	

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I worked for the above-named Respondent, since on or around October 5, 2020. My job classification is Research Analyst, Level 2 (fully remote role). My immediate supervisor is Jamila Smith-Loud (Black, nondisabled), Manager. Respondent has been aware of my disability since the beginning of my employment. However, Respondent has failed to provide me with training for my role as Research Analyst, Level 2, on or around July 25, 2021, when I took on my current role before my role as Content Moderation Specialist where interpreter accommodations were not provided for me to do my role as an investigator. I am aware that Respondent provided promotion opportunity for Gabby Raines (White, nondisabled), Content Moderation Specialist now a Policy Specialist, and provided training for Amber Ebinama (Black, nondisabled), Engineering Program Manager for Responsibility AI, who as a result have advanced in their careers. Recently, on or around October 19, 2022, I requested that management including my supervisors and/or any internal stakeholders that I met with would follow up in writing via email with a recap of what was discussed to ensure proper communication, along with a structured plan for me to receive clarification on my level and reason for receiving the same rating each quarter evaluation, along with reasons for not receiving promotional opportunities. However, to date, Respondent has failed to comply with my request for accommodation. Currently, my job performance is incorrectly being evaluated under the performance expectations for an Associate Trust & Safety

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – When necessary for State and Local Agency Requirements
I declare under penalty of perjury that the above is true and correct. Digitally Signed By: Jalon Hall 12/13/2022 <div style="text-align: center;"><i>Charging Party Signature</i></div>	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)

EEOC Form 5 (11/09)

<p align="center">CHARGE OF DISCRIMINATION</p> <p align="center">This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.</p>	<p>Charge Presented To: Agency(ies) Charge No(s):</p> <p align="center">EEOC 556-2023-00028</p> <p align="center">FEPA</p>
<p>California Department Of Fair Employment & Housing and EEOC</p> <p><i>State or local Agency, if any</i></p>	

Analysis, Level 2 instead of for my current role as a Research Analyst, Level 2. Although I continue to produce excellent work product, I believe that Ms. Smith-Loud low ratings will effectively hinder my opportunities for job advancement such as promotion. As a result of Respondents negligence, I believe that Respondent is intentionally setting me up for failure. I believe that I have been discriminated and retaliated against due to my disability, in violation of the Americans with Disabilities Act of 1990, as amended. I also believe that I have discrimination against due to my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.

<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>	<p>NOTARY – <i>When necessary for State and Local Agency Requirements</i></p>
<p>I declare under penalty of perjury that the above is true and correct.</p> <p>Digitally Signed By: Jalon Hall</p> <p>12/13/2022</p> <p align="right"><i>Charging Party Signature</i></p>	<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p align="center">SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE</p> <p align="center"><i>(month, day, year)</i></p>

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.